



PUBLIC NOTICE

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DA 03-4112

**THE WIRELINE COMPETITION BUREAU SEEKS COMMENT ON
ALLTEL'S PETITION TO REDEFINE RURAL TELEPHONE COMPANY SERVICE AREAS
IN THE STATE OF MICHIGAN**

CC Docket No. 96-45

Release Date: December 30, 2003

Comment Date: January 14, 2004

Reply Comment Date: January 29, 2004

The Wireline Competition Bureau seeks comment on a petition filed by ALLTEL Communications, Inc., pursuant to section 54.207(c) of the Commission's rules, requesting Federal Communications Commission agreement with the Michigan Public Service Commission's (Michigan Commission) decision to redefine certain rural telephone company service areas in the state of Michigan.¹

The Michigan Commission determined that ALLTEL's service area for purposes of determining universal service obligations and support mechanisms should be ALLTEL's licensed service area, but should be coterminous with established incumbent rural telephone company wire centers.² ALLTEL requests that the Commission agree with the proposal to redefine the service areas of the following rural telephone companies based on established wire centers: Century Telephone - Midwest, Inc., Century Telephone Company of Northern Michigan, Century Telephone of Michigan, CenturyTel of Upper Michigan, Pigeon Telephone Company, Shiawassee Telephone Company, and Wolverine Telephone

¹ *Petition of ALLTEL Communications, Inc. for Consent to Redefine the Service Areas of Rural Telephone Companies in the State of Michigan*, CC Docket No. 96-45, filed on December 17, 2003 (Petition). Section 54.207 of the Commission's rules, which implements section 214(e)(5) of the Communications Act of 1934, as amended, provides that a rural telephone company's service area will be its study area "unless and until the Commission and the states, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company." 47 C.F.R. § 54.207(b); 47 U.S.C. § 214(e)(5). Section 54.207 of the Commission's rules and the *Universal Service Order* set forth the procedures for consideration of petitions seeking to designate service areas for rural telephone companies that are different from such companies' study areas. 47 C.F.R. § 54.207(c).

² See Petition, Exhibit A, *Application of ALLTEL Communications, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1934*, Case No. U-13765, Opinion and Order at 13-16 (Mich. Pub. Serv. Comm'n Sept. 11, 2003) (*Michigan Order*).

Company (collectively, Rural Telcos).³

In accordance with section 54.207(c)(1), ALLTEL filed with its Petition the service area definition proposed by the Michigan Commission and the Michigan Commission's ruling presenting its reasons for adopting the proposed redefinition.⁴ The Michigan Commission's redefinition may not take effect unless and until this Commission agrees with the Michigan Commission's redefinition.⁵

This is the Public Notice required by section 54.207(c)(2).⁶ If the Commission initiates a proceeding to consider the Petition, it must do so within ninety (90) days from the release of this Public Notice.⁷ If the Commission does not act on the Petition within 90 days of the release of this Public Notice, the definition proposed by the Michigan Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.⁸

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **January 14, 2004**, and reply comments on or before **January 29, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁹

Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

³ Petition at 2.

⁴ Petition at Exhibit A; *Michigan Order*. Section 54.207(c)(1) provides that a petition seeking redefinition of a rural telephone company's study areas shall contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural telephone company. *See also Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, 8881 (1997) (subseq. history omitted).

⁵ *See* 47 U.S.C. § 214(e)(5).

⁶ 47 C.F.R. § 54.207(c)(2).

⁷ 47 C.F.R. § 54.207(c)(3)(i).

⁸ *See* 47 C.F.R. § 54.207(c)(3)(ii). The Commission delegated its authority to act on petitions to redefine rural service areas to the Wireline Competition Bureau. 47 C.F.R. § 54.207(e).

⁹ *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who chose to file by paper also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.